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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/492,521	01/27/2000	Hisao Hayashi	KN-43-US	9984

7590

01/16/2004

McGinn & Gibb, PLLC  
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Vienna, VA 22182-3817

EXAMINER
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WORKU, NEGUSSIE

ART UNIT	PAPER NUMBER
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2626

DATE MAILED: 01/16/2004

12

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/492,521

Applicant(s)

HAYASHI, HISAO

Examiner

Negussie Worku

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6, 8-12, 14-18 and 20-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-6, 8-12, 14-18 and 20-24 is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

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### DETAILED ACTION

1. Claims 2-6, 8-12, 14-18 and 20-24 are allowed. Applicant's arguments with respect to claim 1, have been considered, but are moot in view of the new ground(s) of rejection. and this office action is non-final.

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

3. Claim 1, is rejected under 35 U.S.C. 103(a) as being unpatentable over Umemoto (USP 5,013,916) in view of Kanemitsu (USP 5946427).

With respect to claim 1, Umemoto et al. discloses an image scanner (a reading section 20 as shown in fig 1), for use in reading image information, (sheet 2 of fig 1), comprising: a driving said conveying roll means (conveyer 101 of fig 3), for conveying a manuscript (2 of fig 1), including said image information to be read on a predetermined reading position of a conveying route (path 1 of fig 1, see col.8, line 15-20); a first light source (111 of fig 3) which is located at one side of said conveying route (101 of fig 3) and which emits light onto said predetermined reading position from said one side, see (col.4, lines 57-58); a second light source (113 of fig 3)

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which is located at another side of said conveying route with being opposite to said first light source (111 of fig 3) and which emits light onto said predetermined reading position from said another side opposite to said one side, see col.12, lines 65-68); image information reading means (reading section 20 of fig 1), see col.8, lines 22-25), for reading said image information included in said manuscript (2 of fig 1), at said predetermined reading position (the reading section 20 of fig 1, the predetermined reading position), said conveying route (path 1, the route 2 conveyed by conveying means 50 of fig 1); light electricity conversion means (107 of fig 3, see col.12, lines 35-37); said first and said second light sources, (111, 113 of fig 3), to read said image information included in said manuscript, (sheet 2 of fig 1), is defined by a reflected light reflected by said manuscript (2 of fig 1).

Umemotok et al. does not disclose a light source switching control means for controlling first light and the second light source.

Kanemitsu et al. in the same area of light source switching control means (light control unit 5 of fig 1) for controlling the first (light source 2 of fig 1), and the second light source, (3 of fig 1, controlling at least one of the two light sources, (light source 2 or 3 fig 1) is based on the type of original or image, see (col.4, lines 60 to col., lines 24).

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified an image reading and recording apparatus of Umemoto et al. to include: light source control means is adapted to perform controlling the light that illuminate on the document from first and the second light source.


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It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified the image reading and recording system of Unemoto by the teaching of Kanemitsu because of the following reason as stated below: It would have provided users a method that includes a means for controlling at least one of the two light source in a manner that the light sources is illuminated in a ratio of amount of light in the rang of user's perception.

4. Any inquiry concerning this communication or earlier communication from Examiner should be directed to *Negussie Worku* whose telephone number is (703) 305 5441.

The Examiner can normally be reached on M-F, 9 am - 6 pm if attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, *Kimberly Williams*, can be reached on (703) 305-4863.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306, and any inquiry of general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

  
01/09/04

  
MARK WALLERSON  
PRIMARY EXAMINER